



PLANNING BOARD REPORT PORTLAND, MAINE

Office and Retail Building
147-155 Washington Avenue
Level III Site Plan
2017-285
Diving Rock, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: March 27, 2018	Prepared by: Shukria Wiar, Planner Date: March 23, 2018
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I. INTRODUCTION

On behalf of the applicant Diving Rock, LLC, William Savage of Acorn Engineering has requested Site Plan approval for a proposed new four-story building (10,855 SF total floor space) with retail space on the ground level and office space on the remaining three levels. The development site is located within the Neighborhood Business B-1 zoning district and complies with the permitted uses within the zone. The lot is currently occupied by an 1,850 SF workshop/bicycle retail space utilized by Gear Hub that will remain.

The plan will be reviewed for conformance with the site plan standards of the Land Use Code. The project will also be reviewed against the *B-1 and B-1B Neighborhood Business Design Standards* (Appendix 2 of the Design Manual).

Notices were sent upon receipt of the application and one hundred and eighty-three (183) notices were sent to area residents within 500 feet of the site and the interested party list for the public hearing. A notice also appeared in the March 19th and 20th 2018 editions of the *Portland Press Herald*.



Figure 1: Aerial of Proposed Site

Applicant Name and Owner
Agent
Consultants:
Engineer
Architect
Surveyor

Diving Rock, LLC
Johnny Ritzo

William Savage of Acorn Engineering, Inc.
Ryan Senatore of Ryan Senatore Architecture
RW Eaton Associates

Project Reviews

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Aisle width – To allow a 23,58’ aisle in the parking area. <i>Supported by consulting traffic engineer</i>	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>
Design Manual	B-1 and B-1B Neighborhood Business Design Standards (Appendix 2 of the Design Manual)

II. PROJECT DATA

Existing Zoning	Neighborhood Business B-1		
Existing Use	Workshop/storage/office		
Proposed Use	Workshop/storage/office/retail		
Parcel Size	13,111 SF		
Total Disturbed Area	10,650 SF		
	Existing	Proposed	Net Change
Building Footprint	1,810 SF	3,866 SF	
Building Floor Area	1,870 SF	13,093 SF	9,682 SF
Impervious Surface Area	12,947 SF	12,252 SF	29,046 SF
Parking Spaces (on site)			
- Required for Development	0	23	
- Being Proposed	13	20 – see Paragraph VII Zoning Assessment	
Bicycle Parking Spaces	0	4	4
Estimated Cost of Project	\$1.7 Million		

III. EXISTING CONDITIONS

The proposed project site is located at the corner of Washington Avenue and East Cove Street. The site currently housed the Portland Gear Hub, a bicycle shop, as well as a thirteen (13) surface parking lot that has access through a curb cut on Washington Avenue. The Portland Gear hub sits farther back from the street on the site, with the parking lot along Washington Avenue. In addition to the main building on the site, there are a couple of accessory buildings that will be demolished for the project. The site also abuts East Cove Street, which a vacated street. Below is Camille Alden, City Surveyor, research on the street:

OVERVIEW:

East Cove Street: This street appears to be statutorily vacated due to omission.

Poplar Street (on the north side of Walnut St.): This street also appears to be statutorily vacated due to omission.

DETAIL:

Poplar Street is dedicated on two plans. The first plan is recorded in 1802 in Deed Book 36, Page 247 (attached); this plan does NOT show East Cove St. because it has not yet been created. The second (and entirely different plan) is recorded in 1866 in PB 2 Page 54 (attached). I believe this is the first recorded plan that dedicates or shows East Cove Street.

The site has street frontage on Washington Avenue, which is an accepted city street. The applicant submitted evidence (Attachment D) from Tom Jewell, Attorney, that they have the legal rights for access over East Cove Street. Jenifer Thompson, Associate Corporation Counsel, reviewed the documentation and concluded with his assessment.

IV. PROPOSED DEVELOPMENT

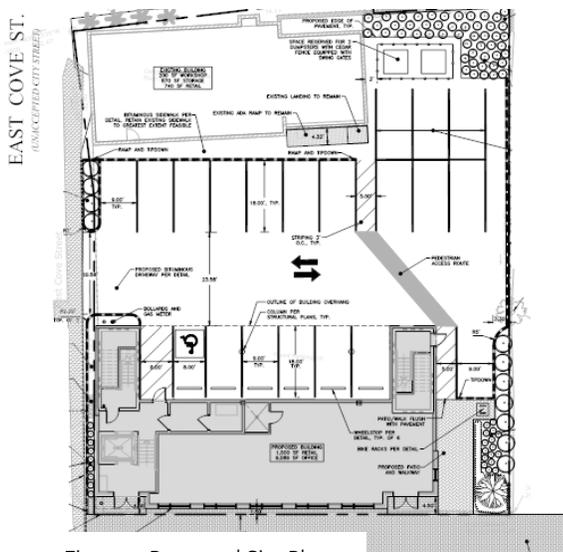


Figure 2: Proposed Site Plan

The proposed project is a four-story building with retail space on the ground level and office space on the remaining three levels. Pedestrian access to the site will be provided off Washington Avenue. The development will consist of a new office building with an associated surface parking lot containing twenty (20) parking spaces. The existing Gear Hub building will remain, which is located to the rear of the site with the pedestrian pathway leading from the sidewalk. The applicant is proposing to close the curb cut on Washington Avenue with the main vehicular entrance from East Cove Street. Two entrances to the building will be 5' off of the Washington Avenue sidewalk.

Pedestrian access to the rear of the site will be provided by a combination of a patio/walkway and striped access aisles adjacent to parking. The development's proximity to residential housing will allow bicyclists and pedestrians to effectively link housing, jobs, and services. Along with the new construction, the site will also be improved with landscaping and new utilities. Below are the elevations of the proposed building.



Figure 3 and 4: Renderings of Proposed Building



V. PUBLIC COMMENT

No comments have been received to date. A neighborhood meeting was held on January 2, 2018 at the Root Cellar and sixteen (16) members of the public attended (Attachment V).

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

- a. The owner of the property is Diving Rock, Inc. The applicant has provided a copy of a warranty deed, recorded at the Cumberland County Registry of Deeds (Book 33456 Page 304), which demonstrates their right, title and interest in the property.
- b. The estimated cost of the development is \$ 1.7 Million. The applicant has submitted a letter from Norway Savings Bank, dated November 3, 2017, as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

The project meets the requirements of the B-1 zone use and dimensional standards. The B-1 zone allows for a wide range of commercial and mixed uses and encourages urban patterns of development. The project is not meeting the off-street standards of Division 20. Division 20 requires one parking space per four hundred (400) square feet of office space. Therefore, the proposed office use requires twenty-three (23) spaces. The development will also have a retail use on the first floor as well as in the Gear Hub building. The standard requires one parking space per two hundred (200) square feet after the first 2,000 square feet. The new building will have 1,500 square feet of retail, whereas, the Gear Hub has 750 square feet of retail. The parking is calculated based on retail per building and per site, hence no parking spaces are needed for the retail portion. Thus, only 23 spaces are needed for the project and the applicant is proposing 20 spaces on site. The applicant wants to meet the zoning requirement by either securing off-site leased spaces for a 5-year term or pay a fee-in-lieu of \$6,280.60 per space into Portland’s Sustainable Transportation Fund. A proposed condition of approval requires the applicant to provide documentation of meeting the parking requirement prior to the issuance of a certificate of approval.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland’s site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems

The site is located along Washington Avenue, which is classified as an arterial. A minimal traffic increase along Washington Avenue is expected for this project due to the low turnover of the proposed principal land use.

b. Access and Circulation

The existing driveway perpendicular to Washington Avenue that currently serves the site will be closed and the main entrance to the site is through a proposed two-way driveway perpendicular to East Cove Street that will

serve as the sole vehicle ingress and egress. East Cove Street is a vacated street by omission (accidentally not listed in the Council Order for unaccepted streets in 1997). The paved width of this street is approximately 28 feet, which includes an approximately 4-5 feet sidewalk. According to Tom Errico's review, access will be tight, but acceptable for vehicles. However, the Fire Department is looking at the access for public safety vehicles and is seeking a clear travel lane of 20 feet. The applicant's consultants are working with the city staff to develop a site plan that meets this standard. A more detail site plan will be available at the Board's public hearing.

c. Parking

The applicant is proposing twenty (20) parking spaces with one handicapped space. The zoning requirement for parking is twenty-three (23) spaces. The applicant is seeking to obtain either a parking lease for the three-required on-site space or will pay into the Transportation Fund prior to the issuance of a certificate of occupancy; refer to Paragraph VII (A), above, for a detail review.

d. Sidewalk

Currently, a brick sidewalk exists along Washington Avenue. The existing sidewalk will be rebuilt from the neighbor's driveway to East Cove Street.

e. Bicycle Spaces

The site plan includes two proposed bicycle racks located near the entrance of the proposed building. This will provide four bicycles to be parked in a secure location, meeting the requirement. Additional bicycle storage may be included within the building.

f. Construction Management Plan

A construction management plan and write-up has been submitted and reviewed by Lauren Swett, Consultant Engineer, on behalf of the Department of Public Services, and states the following:

Finalization of the construction management plan will need to be a condition of approval. The contractor is still to be determined, and the plan notes that a "Maintenance of Traffic" plan will be submitted in the future, so there are no specific conditions identified. They include a statement "Adequate parking for construction workers shall be provided along Washington Avenue or arrangements for off-street parking at an off-site location shall be provided."

2. Environmental Quality Standards

a. Preservation of Significant Natural Features and Landscaping and Landscape Preservation

The applicant has submitted a landscaping plan for review. The project has 102.5 feet of frontage along Washington Ave and per requirement, it is required that a minimum of six shrubs or shrub alternatives per 45 feet of frontage are planted. The requirement is met through a combination of landscaping within the setbacks and internally within the site.

Street trees are to be provided every 30 to 45 feet along the street frontage. This ratio equates to a minimum of two trees. Given the limited area, one street tree is proposed just into the private property. A street tree is not proposed within the public right-of-way because there is a sewer main that runs beneath the sidewalk. Jeff Tarling, City Arborist, has reviewed the landscaping plan and recommended on March 22, 2018, the following:

a) Street trees - none proposed, would like to replace the missing tree and perhaps add a second one. The spacing would be between the proposed on-street parking spaces.

Rectangular shaped tree pit, with no tree grate or raised granite planter.

Recommended tree type ornamental due to overhead utilities, Species type include: 'Accolade' or 'Pink Flair' Cherry, or 'Adirondack' Crabapple.

b) Red Maple, on the right side of the building should be an upright shaped cultivar like, 'Armstrong' or 'Bowhall' Red Maple.

c) Landscape elements - Juniper virginiana (7) on the right side of the building, and on East Cove Street (4) these plants should be of a larger size then proposed 5 gal. Recommend 5 - 6' Height, 4 - 5' minimum.

Prior to the public hearing, staff will clarify Jeff Tarling's recommendations regarding street trees, as it is unclear if he is aware that the sewer line is in the sidewalk. The applicant has the option to contribute to the City's Street Tree Fund in place of the one tree that will not be planted.

b. Water Quality, Storm Water Management and Erosion Control

The proposed project will decrease the site's impervious area by approximately 700 square-feet. Therefore, stormwater management features for quality control that meet Maine DEP's Chapter 500 General Standards have not been designed. Furthermore, features for quantity control are not required and have not been analyzed; however, the project is anticipated to meet Chapter 500 Flooding Standards by decreasing peak flows from the site. The applicant has addressed all of Ms. Swett's stormwater comments.

3. Public Infrastructure and Community Safety Standards

a. Consistency with Master Plans

The project is designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.

b. Public Safety and Fire Prevention

An ambulance will be able to access all 4 side of the building and a fire truck will be able to access a minimum of 3 sides. A fire hydrant is located directly across the street from the intersection of Washington Avenue and East Cove St. There is adequate lighting on site for pedestrians.

For adequate emergency access on site, please refer to Paragraph VII(B)1(b) above.

c. Availability and Adequate Capacity of Public Utilities

The applicant has provided letters indicating the capacity to serve for water, sewer, gas, and power. All utility work has been reviewed with conformance with the city's Technical Manual, including all stormwater management standards. Trash will be stored in dumpsters, eventually to be served by a contracted waste management company. Jeff Tarling, City Arborist, has reviewed the landscaping around the dumpsters and recommends the following for year-round screening:

Landscape planting near Dumpsters - the proposed treatment is 50 Panicum (Switch grass). It would be recommended to use perhaps 22 grasses in the snow storage area and include woody tree(s) or shrubs near the back of the dumpster for more year around and taller screening. Overall this space seems to have just a LOT of grasses as an easy fix vs optimize the space with some creativity and interest.

4. Site Design Standards

a. Massing, Ventilation and Wind Impact

These standards are concerned primarily with bulk, location, or height of buildings incurring health, safety, unsafe wind conditions, and direct impact of buildings on abutters. This standard is not applicable.

b. Shadows

The shadows created by the building will not influence public open spaces and therefore this standard is not applicable.

c. Snow and Ice Loading

The snow storage area can be seen on the site plan near the rear of the parcel. In addition, the applicant may have snow removed from the site when necessary. The snow storage will not adversely impact the functionality of any part of the site.

d. View Corridors

This standard is in regard to impacts on public view corridors and is not applicable.

e. Historic Resources

The property is not in an historic district and contains no designated landmarks. There are no known archeological resources on site.

f. Exterior Lighting

Lighting information and a photometric plan have been submitted as Attachment Q. The proposed lighting will all be full cutoff. Any lighting that may adversely impact the abutting residential properties will feature house-side shielding. All exterior site lighting including lighting of building entrances will have to be cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties or streets. Illumination levels will be

adequate but not excessive for the safety, comfort and convenience of occupants and user of the site and will conform to all applicable standards of Section 12 of the Technical Manual. The lowest wattage possible will need to be used for the LED lighting fixtures.

Staff has recommending and specifying the city's Bayside Medium (black) fixtures on Washington Avenue frontage. The landscaping plan will need to be revised to depicted one Bayside Medium LED street light fixtures on the frontage as requested by staff.

g. Noise and Vibration

The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters. The proposal does not anticipate exceeding current noise levels for the permanent uses on the site.

h. Signage and Wayfinding

All signage being proposed will be reviewed and approved by the Department of Public Works separately. The applicant will need separate permits from DPW.

i. Zoning Related Design Standards

The project at 155 Washington Avenue was reviewed according to the City of Portland Design Manual standards by Caitlin Cameron, Urban Designer, Shukria Wiar, Planner, and Nell Donaldson, Senior Planner, against the B1 Commercial Business Zones Standards (Section (d) of the Design Manual).

Ms. Cameron has found the proposal to be in general compliance, however, there is recommended improvement under a couple of the standards have not been met. Excerpt from Ms. Cameron memo is below:

Standard (1) d. Windows –Windows are provided along street frontage as required – high level of fenestration. *VT of .7 or greater is required.*

Standard (1) f. Building Design – Building design conveys its commercial/mixed use nature. Use of brick and storefront is consistent with commercial buildings on this street – though many existing commercial buildings on Washington Ave are converted from different uses. Emphasis to the vertical members at the ground floor is created by the recess of the panels below the windows. *Staff suggest this treatment either be applied to the full height of the building, or at the ground floor only to delineate the different uses. The current design suggests the first and second floor are apart from the upper floors – instead, a more typical approach to the transom of the ground floor retail would be a strong horizontal line created by a lintel or transom or similar element to tie the ground level together and separate from the floors above. The ground floor windows may need to be shortened to achieve this effect.*

Standard (1) g. Building Materials – Given the predominant context of simple material palette, staff found the building to include *too many materials* and that material *placement is not helping the overall proportion and massing of the building. The red brick is incongruous with the wood tone corners. Possible revision may be a grey brick with the natural tone, or that the natural tone be grey with the red brick.* Articulation details include the canopies, recessed entries, and 3” reveal between materials creates a good transition details between materials and provides some shadow line.

VIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve with conditions the proposed development.

IX. PROPOSED MOTIONS

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for 2017-285 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board [**waives** or **does not waive**] Technical Standard, Section 1.14, requiring that aisle width for right-angle parking be 24 feet per Figure I-27, to allow the width to be 23.58 feet.

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2017-285 relevant to the Site Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. The applicant shall provide documentation that the parking requirements of Division 20 have been met by prior to the certificate of occupancy:
 - a. Finalizing off-site parking plans and providing evidence of control of off-site parking in accordance with *Section 14-334* for review and approval by the Planning Authority, Corporation Counsel, and the Department of Public Services, with an executed lease due at certificate of occupancy, or
 - b. The applicant shall contribute \$6,280.60 to the City's Transportation Fund for the three parking spaces;
2. The applicant shall provide a finalized construction management plan for review and approval by the Planning Authority and Department of Public Works;
3. The applicant shall work with the Urban Designer to address the Design Review comments;
4. The applicant shall work with the City Arborist to address the landscaping recommendations and either include street trees in the final site plan or pay into the Street Tree fund; and
5. The applicant shall submit a final plan and specifications, for review and approval by the Planning Authority and the Department of Public Works, that are in conformance with the proposed LED fixture specifications for the street lights.

X. Attachments:

Planning Board Report Attachments

1. 155 Washington B1 Design Review_prelim2
2. Peer Review Comments 3.23.2018
3. City Arborist Comments 3.23.2018

A - Applicant's Submittal

- A. Cover Letter
- B. Level III Final Site Plan Application
- C. Wastewater Capacity
- D. Right, Title, Interest
- E. Financial Capacity
- F. Construction Management Plan
- G. Stormwater Management Report
- H. Erosion and Sedimentation Control Report
- I. Utility Cover
- J. Solid Waste Disposal
- K. Fire Department Letter
- L. Conformity with Land Use Ordinance
- M. Request for Waivers
- N. Summary of Written Easements
- O. Architectural Design Narrative
- P. Parking Analysis
- Q. Lighting
- R. Comment Response Letter
- S. Certification Letter
- T. Neighborhood Invitation
- U. Sign-In Sheet
- V. Neighborhood Meeting Minutes

B - Plans

- Plan 1. Cover Sheet
- Plan 2. General Notes

Plan 3. Existing Conditions
Plan 4. Construction Management Plan
Plan 5. Site & Landscape Plan
Plan 6. Utility Plan
Plan 7. Grading & Drainage Plan
Plan 8. Site Details – 1
Plan 9. Site Details – 2
Plan 10. Landscaping Details
Plan 11. Utility Details – 1
Plan 12. Utility Details – 2
Plan 13. Erosion & Sedimentation Control Details
Plan 14. Floor Plans
Plan 15. West Elevation
Plan 16. North Elevation
Plan 17. East Elevation
Plan 18. South Elevation
Plan 19. Section View
Plan 20. Rendering
Plan 21. Streetscape
Plan 22. Rendering 2